

No. 22-56090

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**JUNIOR SPORTS MAGAZINES, INC., ET
AL.,**

Plaintiffs-Appellants,

v.

ROB BONTA, ET AL.,

Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of California

No. 2:22-cv-04663-CAS-JCx
Hon. Christina A. Snyder, Judge

**DEFENDANTS-APPELLEES' REPLY IN SUPPORT OF
MOTION FOR EXTENSION OF TIME TO FILE PETITION
FOR PANEL REHEARING
OR REHEARING EN BANC**

ROB BONTA
Attorney General of California
THOMAS S. PATTERSON
Senior Assistant Attorney General
MARK R. BECKINGTON
Supervising Deputy Attorney General
GABRIELLE D. BOUTIN
Deputy Attorney General
State Bar No. 267308
1300 I Street, Suite 125
Sacramento, CA 94244-2550
(916) 210-6053
Gabrielle.Boutin@doj.ca.gov
Attorneys for Defendants-Appellees

**REPLY IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR PANEL REHEARING OR REHEARING
EN BANC**

Defendants-Appellees respectfully submit this reply in further support of their Motion for Extension to File Petition for Panel Rehearing Or Rehearing En Banc. Dkt. 40. As Defendants-Appellees previously explained, an extension of time is necessary for them to p deliberate and determine whether to file a petition for panel rehearing or rehearing en banc and, possibly, to prepare a petition. There is a substantial need and good cause for the requested 45-day extension, as described in Defendants-Appellees' motion. *See id.*

Plaintiffs-Appellants do not argue that the requested additional time is not necessary or appropriate to allow time for Defendants-Appellees to analyze and respond to the panel's decision. Instead, Plaintiffs-Appellants oppose the request for an extension solely because no injunction is currently in place. Dkt. 40. However, this has been the status quo since the challenged statute was enacted and Plaintiffs-Appellants cannot justify their insistence that an immediate change to the status quo is warranted. The panel decision in this case remanded the matter to the district court for further proceedings consistent with the panel opinion. *Junior Sports Magazines Inc. v. Bonta*, -- F.4th ---, No. 22-56090, 2023 WL 5945879 at *8 (9th Cir. Sep. 13, 2023). But further proceedings in the district court should not be rushed at the expense of appropriately deliberate appellate proceedings and

potential further review of the panel decision, including potential en banc proceedings.

In fact, in the district court below, Plaintiffs-Appellants and Defendants-Appellees stipulated to stay the proceedings in this case “pending resolution of Plaintiffs’ appeal of this Court’s interlocutory order denying Plaintiffs’ motion for preliminary injunction.” ECF No. 38, *Junior Sports Magazines v. Bonta*, No. 2:22-cv-04663-CAS-JCx (C.D. Cal. Nov. 21, 2022); *see also* ECF No. 39, *Junior Sports Magazines v. Bonta*, No. 2:22-cv-04663-CAS-JCx (C.D. Cal. Nov. 22, 2022).

Based on the parties’ agreement to that effect, the proceedings have accordingly been stayed for ten months. In that context, the requested 45-day extension for Defendants-Appellees to file a petition for rehearing is not material, particularly in light of the importance of a well-considered appellate process. Plaintiffs have not identified any basis for requiring the parties and this Court to rush through the appellate process where, as here, the panel decision is significant and careful deliberation is required.

Defendants-Appellees respectfully request a 45-day extension until November 13, 2023 to consider and, if necessary, prepare and file such petition.

Dated: September 21, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS S. PATTERSON
Senior Assistant Attorney General
MARK R. BECKINGTON
Supervising Deputy Attorney General

/s/ Gabrielle D. Boutin

GABRIELLE D. BOUTIN
Deputy Attorney General
Attorneys for Defendants-Appellees

CERTIFICATE OF SERVICE

Case Name: **Junior Sports Magazines Inc.,
et al. v. Rob Bonta, et al.
[Appeal]** No. **22-56090**

I hereby certify that on September 21, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **DEFENDANTS-APPELLEES' REPLY IN SUPPORT OF MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR PANEL REHEARING OR
REHEARING EN BANC**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 21, 2023, at Sacramento, California.

Ritta Mashriqi
Declarant

/s/Ritta Mashriqi
Signature